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HIGH COURT OF CHHATTISGARH AT BILASPUR

WRIT PETITION (S) No. 2661 of 2007

PETITIONER : Gopal Singh Uikey S/o Mahadev Singh Uikey, aged about 56 years, Occupation- Tahsildar, Tahsil Charama, District KANKER C.G.

VERSUS

RESPONDENTS : 1. State of Chhattisgarh, Through the Secretary Revenue Department, D.K.S. Bhawan Raipur C.G.

2. The Collector, Uttar Bastar Kanker, District Uttar Bastar Kanker C.G.

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA.

Single Bench : Hon'ble Justice Shri Satish K. Agnihotri.

Present: Shri Rajesh Pandey, Advocate for the petitioner.
Shri Arvind Dubey, Panel Lawyer for the State/respondents.

ORDER

(Passed on 2nd day of May, 2007)

1. The petitioner, while working as Tahsildar was placed under suspension vide order dated 04.04.207 (Annexure P/1) on the ground that due to some order passed by him, there was a strike, protest and blockage of traffic, which comes under ambit of misconduct under provisions of C.G. Civil Services (Conduct) Rules, 1965.

2. Learned counsel appearing for the petitioner submits that the finding is perverse. Thus, it requires to be quashed.

3. I have heard the learned counsel appearing for the parties, perused the pleadings and documents appended thereto. The order of suspension is passed on the alleged misconduct, cannot be taken as a finding as it is an observation for placing the officer under

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suspension. The finding with regard to the fact as to whether the petitioner has committed misconduct is to be examined by way of departmental enquiry and the petitioner would have sufficient opportunity of putting forward his case against the allegation made. Rule 9 of Sub Rule 1(a) M.P/C.G. Civil Services (Classification, Control and Appeal) Rules, 1966 provides for suspension in case where disciplinary proceeding is either contemplated or is pending. On perusal of the suspension order, it appears that the departmental enquiry is contemplated. Therefore, at this stage, it is not necessary to enquire into reasons of the suspension order.

4. It is well settled principle of law that the suspension is temporary and it does not involve punishment with evil consequences. Suspension means a temporary deprivation of the functions not amounting to any reduction of his rank or his status. The employee under suspension continues to be a Government Servant, he is not permitted to work keeping in view pendency of departmental enquiry to avoid undue influence in the proceedings of the departmental enquiry and likely tampering with the records.

5. Thus, this petition has no merit. It is accordingly dismissed summarily.

Sd/-
Satish K. Agnihotri
Judge

Amit